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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, Y MY QUACH

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,909

Applicant(s)

Novet et al.

Examiner

Y Quach Lee

Group Art Unit

2875

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 12/17/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 to 18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure of the invention. For instance, page 2, line 5, it is not clear what is characterized in that at least the first surface is adapted to be displaced in rotation about an axis with respect to the support? On page 3, line 11, it is not clear what is "any one of the preceding claims" referring to?

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). For instance, the limitation "an axis substantially parallel to the said main axis" does not have a clear antecedent support in the specification as originally filed. Correction of is required.

Claim Objections

3. Claims 1 to 16 are objected to because of the following formalities: In claim 1, line 2, there is a typographical error such as the term "thelamp". In claims 2 to 11, the term "A light", line 1, does not have a clear antecedent basis. It fails to further limit the subject matter of a previous claim 1. In claims 1, 2, 6, 7 and 11 to 14, the term "the said first surface" lacks a proper antecedent basis. It should be changed to --said first reflective surface--. In claims 3 and 8, the term "the said second surface" lacks a proper antecedent basis. It should be changed to --said second reflective surface--. In claims 9, 11 and 15, the term "said first beam" lacks a proper antecedent basis. It should be changed to --said first light beam--. In claim 15, there is no clear antecedent basis for "the control member". In claim 16, the term "said second beam" lacks a proper antecedent basis. It should be changed to --said second light beam--. In claims 12 to 16, line 1, the term "An assembly" does not have a clear antecedent basis. It fails to further limit the subject matter of a previous claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1 to 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what is meant by “inside of the bend”? The frame of reference for “inside” is not understood.

In claim 2, it is not clear what has an upper part?

In claim 5, it is not clear what defines the said axis of rotation vertically during operation of the headlight?

In claim 8, it is not clear what defines a main axis? On line 3, the limitation “the said lamp” is not clear in view of there are two light sources. Which light source is close to the focus of the paraboloid, the first light source or the second light source?

In claim 9, what includes means for defining a cut-off line in the first beam?

In claim 10, what is being adapted to produce the second beam as a beam ...?

In claim 11, it is not clear how can the mask perform the function of “for emitting the said first beam ...?”

In claim 12, it is not clear what are “a headlight” and “a control unit” referring to in view of “the headlight” and “the control means” as recited in claim 1?

In claim 13, it is not clear what is “a vehicle” referring to in view of “the said vehicle” as recited on line 10 of claim 1?

In claim 17, it is not clear what is “a headlight” referring to in view of “the headlight” as recited on line 6 of claim 1?

In claim 18, it is not clear what is “an assembly” referring to in view of “an assembly” as recited on line 1 of claim 12?

Claims 3, 4, 6, 7 and 14 to 16 depend on rejected claim 1 and as such are also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3 to 5, 9, 11 to 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woerner.

These claims are rejected as can best be understood in view of the 35 USC 112, second paragraph above.

Woerner discloses a vehicle having a support (vehicle frame), a lamp (50) comprised of a first light source (figure 5) with a first reflective surface (column 6, line 10, figure 5) and a second light source (figure 5) with a second reflective surface (column 6, line 10, figure 5) carried by the support, these reflective surfaces adapted to cooperate with the first and second light source to produce first and second light beams (figure 5), a headlight (52) including the first reflective surface coupled to control means (C) including a control unit (M) for rotating at least the first reflective surface about an axis of rotation (70), the second reflective surface fixed (column 6, lines 17 to 18) with respect to the first reflective surface, an axis of rotation to vertical (60) during operation of the headlight, means including a mask (30) associated with the first reflective surface for defining a cut-off line (column 4, line 62) in the first light beam, and when the vehicle describes a curved path defining a bend, the first light beam oriented towards the bend (figure 7b). Note that the control unit would inherently be linked to the steering wheel since the control unit rotates the first reflective surface by an amount dependent on the amplitude through which the steering wheel is turned (curve dependent control, column 6, line 55) by a driver of the vehicle. Note that the control unit is also adapted to effect the rotation of the first reflective surface by an amount dependent on the traveling speed (column 6, line 53) of the vehicle.

7. Claims 2, 6 to 8, 10, 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Furuya et al. is cited to show other pertinent rotating reflective surface of a vehicle headlamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 703-308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Y. Q.
March 20, 2003


Y Quach Lee
Patent Examiner
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